

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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XIAO L. FONG, :

Plaintiff, :

- against - :

MICHAEL J. ASTRUE, :
Commissioner of Social Security, :

Defendant. :

- - - - -x


CHIN, D.J.

The Government has moved to remand this action to the Commissioner of Social Security. The Government acknowledges that the Commissioner committed legal error, but nonetheless maintains that plaintiff has not shown that she was disabled. The Government argues that the correct procedure is to remand for further administrative proceedings.

IT IS HEREBY ORDERED that plaintiff shall advise the Court in writing on or before April 14, 2008 whether she objects to remand. If plaintiff does not object or does not respond, the Court will grant the motion and remand for further proceedings before the Commissioner. If plaintiff opposes, the Court will consider the motion on its merits.

SO ORDERED.

Dated: New York, New York
March 19, 2008


DENNY CHIN
United States District Judge

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